

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**i2 TECHNOLOGIES, INC. and
i2 TECHNOLOGIES US, INC.**

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Plaintiffs,

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vs.

**ORACLE CORPORATION and
ORACLE USA, INC.**

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Defendants.

**CASE NO. 609 CV 194
PATENT CASE**

ORDER

Before the Court is Plaintiffs' i2 Technologies, Inc. and i2 Technologies US, Inc. and Defendants' Oracle Corporation and Oracle USA, Inc. Joint Motion for Entry of Docket Control Order and Discovery Order.

Having considered the parties' positions, the Court **ORDERS** that i2 is not required to limit the number of asserted claims against Oracle from 178 claims to 10 claims at this time. The limitation would prejudice i2 Technologies because the case is currently in its early stage. However, as i2 Technologies states, it will eventually be forced to streamline its *Markman* presentation and case so that the important issues are considered by the Court.

It is further **ORDERED** that each expert's deposition shall be limited to 9 hours per substantive topic or to 13 hours if one expert's report covers more than one topic. It is further **ORDERED** that the Court declines to adopt Oracle's proposal for 21 total hours of deposition if a party has two or fewer experts.

It is further **ORDERED** that Former Magistrate Judge Robert Faulkner, JAMS, 8401 North

Central Expressway, Suite 610, Dallas, Texas 75225, (214) 744-5267, (214) 720-6010 (Fax) is appointed as mediator in this case. Mediation shall be conducted in accordance with the Court-Annexed Mediation Plan. *See* Appendix H to Local Rules, available on the Court's website at www.txed.uscourts.gov. Therefore, Defendants' request for additional time to consider the mediator proposed by Plaintiffs is **DENIED** as moot.

It is further **ORDERED** that the parties refile their Joint Motion for Entry of Docket Control Order and Discovery Order in accordance with the rulings made by the Court as reflected in this Order.

So ORDERED and SIGNED this 6th day of October, 2009.

A handwritten signature in black ink, appearing to read "LEONARD DAVIS".

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE